

**REMARKS**

**I. Status of the Claims**

Claim 1 has been amended. No new matter has been added.

Claim 2 has been cancelled without prejudice or disclaimer of the subject matter therein.

Claims 17-28 were previously cancelled.

Claims 1 and 3-16 are pending.

**II. Rejections under 35 U.S.C. § 102**

Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. § 102(b) as anticipated by Lagoze “A Secure Repository for Digital Libraries” (hereinafter “Lagoze”). Applicants have amended claim 1 to recite the elements of claim 2 in that the generating step includes “obtaining an identifier for each participant of a value-chain for the media object.” Lagoze does not disclose or suggest the use of an identifier for value-chain participants. Additionally, claims 3, 4, and 6 depend from claim 1 and are allowable based on their dependence from the independent claim. Applicants respectfully request that the rejection be withdrawn.

**III. Rejections under 35 U.S.C. § 103**

Claim 5 is rejected under 35 U.S.C. § 103(a) as unpatentable over Lagoze in view of the Examiner’s Official Notice of ordinary skill in the art. Claims 2 and 7-12 are rejected under 35 U.S.C. § 103(a) as unpatentable over Lagoze in view of Kanh et al. – “A Framework for Distributed Digital Object Services” (hereinafter “Kahn”) and “Managing Access to Digital Information” (hereinafter “Managing Access”). Applicants respectfully traverse the rejections.

Claim 2 has been cancelled and its elements have been added to claims 1. Claim 1 has been amended to include, and claim 9 already contains, the element that the handle contains value-chain information. Claim 1 recites “obtaining an identifier for each participant of a value-chain for the media object; and [using the identifier] to form the handle.” Claim 9 recites the step of “generating a handle at the first location where the handle identifies the media object independent of a location of the media object and identifies at least one value-chain participant.” Applicants respectfully submit that Lagoze teaches away from value-chain management and the Kahn and Managing Access references are not enabled and cannot be used to anticipate or render obvious the claims.

Specifically, the Examiner states that neither Lagoze nor Kahn disclose “placing an identifier for each participant of a value chain, in the metadata” and that this element is disclosed in Managing Access. Applicants respectfully submit that Lagoze teaches away from the concept and neither Kahn nor Managing Access are enabled references and do not teach one of ordinary skill in the art how to make the invention. Both Kahn and Managing Access are, at best, academic theories describing hypothetical systems for securely transferring digital content without any information on how to implement the system.

Regarding Lagoze, the entire disclosure revolves around finding items in a repository, in essence, how to form a digital library. Lagoze’s and Kahn’s architecture is silent regarding value-chain management because they are trying only to form the library and find references. Both are only considering how to allow users to access information from a specific repository. In contrast, the present invention contemplates series of commercial transactions between multiple parties. For example, a provider sends content to a retailer, the retailer sells it to a user and a second user synchronizes their content with the first user. Throughout the transfers of the media object, the

value-chain participants remain in control of their content by being compensated for the transactions. Lagoze's and Kahn's architecture does not contemplate these types of transactions, let alone tracking them for additional parties. The above is not contemplated by Lagoze and Kahn and, thus, one of ordinary skill in the art is taught away from an architecture including value chain management.

Regarding Kahn, it is, by its own admission, not enabled to teach one of ordinary skill in the art even its base teaching. Kahn is replete with comments and language stating that the concepts he discusses have not been designed or tested. For example, on page 2, Kahn begins the discussion of the paper with "[c]onceptually, the System works as follows..." and then on pages 4 and 5, Kahn adds comments for numerous functions that "[w]e leave unspecified at this point how this might be accomplished..." "[t]he details of interaction with handle generators are left unspecified;" and "[t]he mechanism for this registration is currently unspecified." The above is only a sample of the language that illustrates that Kahn did not enable his concepts and cannot teach one of ordinary skill in the art how to implement his concepts.

Further proof that Kahn is not enabled comes from Lagoze. Lagoze specifically states that:

Researchers from the Digital Library Research Group at Cornell, the Computing and Communications Group at NCSA (University of Illinois), CNRI [Corporation for National Research Initiatives], and Xerox Corporation collaborated over the past several months to develop a design for repositories of objects in digital form, a fundamental component of digital libraries. ... Our starting point for this design is the framework articulated by Robert Kahn (CNRI) and Robert Wilensky (UC Berkeley) [4], as a result of the Advanced Research Projects Agency Computer Science Technical Report Project [5]. This work is commonly referred to as the Kahn/Wilensky architecture.

Lagoze, page 2. Lagoze states above that it took two universities (one an ivy league institution), a not-for profit organization who's stated goal is to "foster research and development for the National

Information Infrastructure” and a major corporate entity “several months” to implement a “first stage” design of the concepts outlined by Kahn. Thus, Lagoze informs us that Kahn does not enable his disclosure and one of ordinary skill in the art is not taught how to make or use what is disclosed.

Additionally, Managing Access also does not enable its disclosure. The disclosure is a White Paper which, like Kahn, discusses what may be in the future without instructing one of ordinary skill in the art how to implement it. Managing Access is especially vague on the element the Examiner contends it discloses, adding value-chain identifiers to the handle. The concept of value-chain management is mentioned mostly in passing and with no framework. For example, in describing digital objects, Managing Access states that “[t]here will probably be at least two different categories of digital objects - those that come with meaningful restrictions and those that do not. Many commercial digital objects may come without any meaningful restrictions; others may be heavily encumbered.” Managing Access, page 4 (emphasis added). Further, Managing Access asks numerous unanswered questions relating to the value-chain concept. These questions illustrate that the authors have not enabled the disclosure. Some questions are:

How will network users be able to "borrow" or otherwise use digital objects stored in repositories? Will there be restrictions on who may access such information? ...

With respect to digital objects, how can we track who owns what and in what contexts? ...

How can information owners be adequately compensated when their works are expressed in various digital formats that may be accessed, manipulated, interpreted, and aggregated where such works are configured as digital objects? ... [and]

Will automated licensing mechanisms be developed within a network environment to facilitate access to digital objects and their contents?

Managing Access, pages, 5-7. Thus, the questions asked indicate that the authors had not enabled the invention for one of ordinary skill. The disclosure indicates that the authors never reduced an enabled version of the concept to practice.

Further, the authors define the state of the art the time they wrote the article and the state of the art does not include identifying value-chain participants. The listed enabled (or still being developed) portion of the disclosure is:

Current technology enables vendors to provide some or all of the following services, several of which are now under development (Bock 1996; IBM infoMarket 1995; and Sibert et al. 1995):

- linking content providers to those who want content;
- providing content or content-related services;
- acting as a repository for digital objects;
- providing abstracts and indices;
- searching content;
- employing encryption and related techniques to manage rights and interests and to ensure the integrity of digital objects and their contents;
- delivering information on disks or CD-ROMs, or providing network access via e-mail, browsers, etc.;
- keeping information protected until the digital object is opened (e.g., in order to open an object, the user must contact a clearinghouse to handle the payment); and
- operating somewhat like a bookstore (e.g., understanding content, generating abstracts, and selling digital objects to the public).

Managing Access, page 10.

Applicants respectfully submit that one of ordinary skill in the art is not taught how to make the invention suggested by Managing Access. Further, Lagoze provides proof that either numerous persons above ordinary skill are required to enable a similar invention or undue experimentation is required. Numerous persons from prestigious organizations over the course of several months were required to produce a first stage design of Kahn's system architecture and this design did not include value-chain identifiers.

Furthermore, Applicants submit that Managing Access is actually objective evidence of nonobviousness as describing a “long felt need” in the industry that has not been satisfied. Managing Access outlines what the industry wants and should strive for in the future. Managing Access also admits that the concept is not even in development, let alone enabled, at the time the article was written. In contrast, the present invention enables the concept and provides the industry the long felt solution outlined by Managing Access.

Thus, the combination of Lagoze, Kahn, and Managing Access do not teach one of ordinary skill in the art to enable the invention and cannot anticipate or render unpatentable claims 1 and 3-12. Applicants respectfully submit that independent claim 1 is allowable and that claims 3-12 are allowable based on the arguments above.

Claims 13-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,199,096 to Mirashrafi et al. (“Misashrafi”) in view of Discussion Paper 96. Claim 16 is rejected under 35 U.S.C. § 103(a) as obvious over Misashrafi in view of Discussion Paper 96 and further in view of U.S. Patent No. 6,161,137 to Ogdon et al. (“Ogdon”). Applicants respectfully traverse the rejections.

The Examiner contends that Mirashrafi discloses a system that synchronizes the rendition of the media object at the second location with the rendition of the media object at the first location. The Examiner further contends that this is disclosed on column 4, lines 29-30. Applicants respectfully disagree with the Examiner’s reading of Mirashrafi. Mirashrafi admits that his synchronization is not truly synchronization. In the same paragraph where the Examiner contends Mirashrafi discloses synchronization, Mirashrafi defines his meaning of “synchronization.”

Additionally, it is to be appreciate[ed –sic] that because each synchronization participant is responsible for retrieving the page from the web server, the page will not be displayed at exactly the same time to all synchronization participants. However, it will be displayed at approximately the same time.

Mirashrafi, column 4, lines 32-38 (emphasis added). Thus, the web page transmitted using Mirashrafi's system is not rendered at the first and second location at the same time, there is a time lag. Mirashrafi is not using the ordinary meaning of the word, is aware that his system has this limitation, and provides his definition of "synchronization".

Mirashrafi is incapable of true synchronization. Mirashrafi discloses a bridgeport, which is part of the crux of his invention, to allow for sharing between common clients to a bridge server. Mirashrafi requires a user to access content and transmit the URL of that content to the bridgeport. The bridgeport then transmits the URL to other clients connected to the bridgeport and then each client is responsible for retrieving the common content. Applicants respectfully submit that it is impossible to truly synchronize content using Mirashrafi's arrangement due to the inherent delays at every transmission and receiving step outlined above.

In contrast, claim 13 recites the element that "rendering the media object at the second location such that the rendition of the media object at the second location is synchronized with the rendition of the media object at the first location." The Specification defines synchronization as:

The player may also synchronize the rendition of the content at each of the users' locations. Using the supplemental information contained in the Handle, the rendering application, e.g. player, can coordinate playing the same content at the same time and rate at multiple locations. ... For example, assume that the sender and recipient each have the content resident locally and that it takes eight seconds from sending the e-mail until the recipient receives it. The sender begins to play the content and then decides to e-mail the recipient to synchronize playing the content. By the time the recipient receives the e-mail, the sender has experienced eight seconds of the content. Hence the recipient's player will start playing the content an additional eight seconds into the content so that it is perfectly synchronized with the sender's experience of the content.

Specification, page 3, lines 15-18 and page 10, lines 22-29 (emphasis added). Applicants have solved the problem of true synchronization, whereas Mirashrafi has not. Thus, not only does Mirashrafi not synchronize content as defined in the claim, but admits that his system is incapable of it.


Mirashrafi does not disclose or suggest the synchronization step of claim 13. Additionally, Odgen does not teach or suggest the elements missing from Mirashrafi and the combination of the references cannot anticipate the claim. Further, claims 14-16 depend on claim 13 and are allowable based on the same reasoning above. Applicants respectfully request that the rejection be withdrawn.

### **CONCLUSION**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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